



The Mālama Learning Center is a place in West O'ahu that brings art, science, conservation and culture together to promote sustainable living throughout Hawai'i. Our mission is to teach and inspire communities to create healthy living environments.

The Honorable Ryan Yamane, Chair
The Honorable Ty Cullen, Vice Chair
House Committee on Water and Land

**TESTIMONY IN SUPPORT OF SB NO. 854, SD 2, HD 1
Relating to Public School Lands**

Hearing Date: Monday, March 23, 2015, 10:30 am, Conference room 325

To the Honorable Chair Yamane, Vice Chair Cullen, and committee members:

Aloha. My name is Pauline Sato and I serve as the Executive and Program Director of the Mālama Learning Center, a private, non-profit environmental education organization serving schools and communities in West O'ahu. On behalf of the Mālama Learning Center, I am testifying in support of SB No. 854, SD 2, HD1.

Mālama Learning Center is a private non-profit based at Kapolei High School that has been serving West O'ahu schools and communities by providing educational programs for students and teachers on environmental and sustainability education since 2004. Our programs primarily serve the Department of Education and are free or of nominal charge, made possible by grants and donations.

We appreciate that the bill in its current form clarifies the intent of HRS 302A-1151.1, known as Act 155 – a pilot program for lease of public school lands. The statute is meant to establish a pilot program for three projects statewide and not prevent the Department of Education into entering lease or other agreements with non-profit organizations like the Mālama Learning Center that provide educational benefits primarily for the Department of Education schools. HRS 171-13 allows such agreements to proceed.

This clarification is very important to correct a misinterpretation of the statute, which has prevented our organization from moving forward on a long-awaited project that will primarily serve students and teachers.

Thank you very much for the opportunity to testify and I sincerely hope that we have your support in passing this bill as amended so that authentic school and community partnerships can endure.

BIA-HAWAII

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THE VOICE OF THE CONSTRUCTION INDUSTRY

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Testimony to the House Committee on Water & Land **Monday, March 23, 2015** **10:30 a.m.**

State Capitol - Conference Room 325

RE: S.B. NO. 854 H.D. 1, RELATING TO THE DEPARTMENT OF EDUCATION

Chair Yamane, Vice-Chair Cullen, and members of the Committee:

My name is Gladys Marrone, Chief Executive Officer for the Building Industry Association of Hawaii (BIA-Hawaii), the Voice of the Construction Industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-Hawaii **supports** S.B. 854 H.D. 1, which proposes to amend the language of Act 155, SLH 2013, by requiring public school lands that are leased to benefit public educational purposes rather than simply to be used for public purposes. Authorizes the DOE to enter into leaseback agreements.

Since its approval in 2013, the DOE has been meeting with government agencies such as the Office of Environmental Quality Control (OEQC) and the City and County of Honolulu, Department of Planning and Permitting to insure the implementation of Act 155 complies will all applicable laws. In addition, DOE has also been meeting with various private developers to structure a process that complies will all existing laws, and will attract private developers to invest in the redevelopment of underutilized DOE facilities.

The proposed bill is in response to comments received in the initial round of discussions with agencies, developers and other interested parties. It provides clarification in certain areas of the Act and allows for the possibility of a public-private partnership through a simple "lease-back" arrangement.

We strongly encourage the Legislature to approve S.B 854, H.D. 1, as it will allow the implementation of Act 155 to proceed in an expeditious manner.

Thank you for the opportunity to express our views on this matter.



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Water & Land
Monday, March 23, 2015 at 10:30 A.M.
Conference Room 325, State Capitol**

RE: SENATE BILL 854 SD2 HD1 RELATING TO PUBLIC SCHOOL LANDS

Chair Yamane, Vice Chair Cullen, and Members of the Committee:

The Chamber of Commerce Hawaii (“The Chamber”) **supports** S.B. 854 SD 2 HD1, which proposed to amend the language of Act 155 SLH 2013 by clarifying that public school lands that are leased to benefit public educational purposes rather than simply to be used for public purposes and authorizing the Department of Education (DOE) to enter into lease-back agreements.

The Chamber is Hawaii’s leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the “Voice of Business” in Hawaii, the organization works on behalf of members and the entire business community to improve the state’s economic climate and to foster positive action on issues of common concern.

Since its approval in 2013, the DOE has been meeting with government agencies such as the Office of Environmental Quality Control (OEQC) and the City and County of Honolulu, Department of Planning and Permitting to insure the implementation of Act 155 complies with all applicable laws. In addition, DOE has also been meeting with various private developers to structure a process that complies with all existing laws, and will attract private developers to invest in the redevelopment of underutilized DOE facilities.

The proposed bill is in response to comments received in the initial round of discussions with agencies, developers and other interested parties. It provides clarification in certain areas of the Act and allows for the possibility of a public-private partnership through a simple “lease-back” arrangement.

We strongly encourage the Legislature to approve S.B 854, SD 2 HD1 as it will allow the implementation of Act 155 to proceed in an expeditious manner.

Thank you for the opportunity to express our views on this matter.



March 20, 2015

Representative Ryan I. Yamane, Chair
Representative Ty J.K. Cullen, Vice Chair
House Committee on Water & Land

Comments Regarding SB 854, SD2, HD1 Relating to Public School Lands (Requires public school lands that are leased to benefit public educational purposes rather than to be used for public purposes; Authorizes the State Department of Education [DOE] to enter into lease-back agreements.)

Monday, March 23, 2015, 10:30 a.m., in Conference Room 325

The Land Use Research Foundation of Hawaii (“LURF”) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF’s mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii’s significant natural and cultural resources, and public health and safety.

SB 854, SD2, HD1. The purpose of this bill is to amend Hawaii Revised Statutes (HRS) Section 302A-1151.1 to require public school lands that are leased to benefit public educational purposes rather than simply to be used for public purposes. The bill also proposes to amend HRS Section 302A-1151.1 to authorize the DOE to enter into lease-back agreements.

LURF’s Position. LURF **supports the intent of SB 854, SD2, HD1**, because it supports and furthers innovative methods through which the State may use its assets to obtain funding to benefit Hawaii’s public schools and public school children.

The pilot program to lease public school land under HRS Section 302A-1151.1 was established in recognition of the unmet community development needs of the State, including undercapitalized public school facilities, and the need to cooperate with private enterprise and the various components of government to bring the proposed project to fruition. Legislation enabling the DOE to lease public school land was drafted to state that the DOE was allowed to do so on specified terms, to lessees who would modify, construct, or utilize facilities to “meet public purposes.”

Consistent with this measure, LURF understands that the intent underlying this effort was always to allow the lease and redevelopment of public school lands for any purpose, so long as the revenue from any such redevelopment would be applied toward public educational purposes.

LURF continues to encourage inventive means of utilizing excess and underused public school assets to generate funding for the benefit of public school children, and urges this Committee to continue supporting models and strategies of public private partnerships which have proven successful in Hawaii.

Thank you for the opportunity to provide comments relating to this measure.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

LATE

KATHRYN S. MATAYOSHI
SUPERINTENDENT

Date: 03/23/2015
Time: 10:30 AM
Location: 325
Committee: House Water & Land

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 0854, SD2, HD1 RELATING TO PUBLIC SCHOOL LANDS.

Purpose of Bill: Requires public school lands that are leased to benefit public educational purposes rather than simply to be used for public purposes. Authorizes the DOE to enter into leaseback agreements. (SB854 HD1)

Department's Position:

The Department of Education (DOE) strongly supports S.B. 854 SD 2, HD 1 which proposed to amend the language of Act 155 SLH 2013 by clarifying that public school lands that are leased to benefit public educational purposes rather than simply to be used for public purposes and authorizing the DOE to enter into lease-back agreements.

Since its approval in 2013, the DOE has been meeting with government agencies such as the Office of Environmental Quality Control (OEQC) and the City and County of Honolulu, Department of Planning and Permitting to ensure the implementation of Act 155 complies with all applicable laws. In addition, DOE has also been meeting with various private developers to structure a process that complies with all existing laws, and will attract private developers to invest in the redevelopment of underutilized DOE facilities.

The proposed bill is in response to comments received in the initial round of discussions with agencies, developers and other interested parties. It provides clarification in certain areas of the Act and allows for the possibility of a public-private partnership through a simple "leaseback" arrangement.

The House Education Committee amended the bill by adding the following:

Providing that this measure will not preclude the DOE from entering into a lease or other agreement with nonprofit organizations that provide educational benefits primarily for the school, complex, or district within which the lands are located.

Act 155 and the proposed amendments would not preclude the DOE from its on-going program to enter into agreements with non-profit organizations who provide services that benefit the

DOE. As such, we would suggest that the amendment be removed as it may confuse the purpose and intent of Act 155.

We strongly encourage the Legislature to approve S.B 854, SD 2, HD 1 with the amendment suggested above, as it will allow the implementation of Act 155 to proceed in an expeditious manner.

Thank you for the opportunity to express our views on this matter.